

**AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HAMPTON, VIRGINIA,
HELD IN THE COUNCIL CHAMBERS, EIGHTH FLOOR, CITY HALL, 22 LINCOLN STREET,
ON WEDNESDAY, MARCH 23, 2005, AT 7:30 P.M.**

The meeting was called to order by the Mayor, and upon a roll call, the following answered as present: Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, and Ross A. Kearney, II, Mayor.

Interim City Manager Jesse T. Wallace and City Attorney A. Paul Burton were also present.

The invocation was given by Councilman Turner Spencer, followed by the Pledge of Allegiance to the Flag.

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Mayor Kearney expressed the sadness in our community with the death of young Lee Lewis, a wonderful young man from Hampton who was recently killed in the line of duty in Iraq.

Mayor Kearney recognized Brenda Vaccarelli and Vicki Robbins, retired Deputy Clerk, to assist in the Council office; and he introduced the newly appointed Clerk of the Hampton City Council, Katherine Glass.

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Consent Agenda

Councilwoman Leary requested that Item #3, an ordinance pertaining to the "Signing of City Checks Generally" be moved to the regular agenda.

There being no one else to be heard, on motion of Vice Mayor Joseph Spencer, seconded by Councilman Gilliland, that items 3, an ordinance pertaining to the "Signing of City Checks Generally" be moved to the regular agenda and that items 1, 2, and 4 through 7 on the Consent Agenda be approved as follows:

1. **05-0184:** Minutes of the February 16, 2005, Budget Retreat and the February 23, 2005, Special Meeting.
2. **05-0168:** Second and final reading of amendment to Article III, Division 1. Sec. 41-1-8c of the City Code (Wetlands Ordinance).
4. **05-0171:** Resolution appropriating \$100,000 from the reserve for sewer extension in the Wastewater Management Fund to the FY05 Wastewater Management Fund Capital Budget line item.
5. **05-0172:** Resolution appropriating \$520,00 from the retained earning reserve for Equipment replacement in the Solid Waste Management Fund to the FY05 Solid Waste Management Fund Capital Outlay Auto line item.
6. **05-0175:** Resolution accepting and appropriating 2004 "Two for Life" Fund for allocation in FY 05 in the amount of \$56,068.50 for Emergency Medical Services (EMS).

7. **05-0183:** Resolution approving the City of Hampton, Virginia's participation and appropriation of the 2005 Rescue Squad Assistance Fund Grant in the amount of \$45,885 submitted by the Fire Division through the Office of Emergency Medical Services, Virginia Department of Health.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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Item #3 from the Consent Agenda, 05-0169: An Ordinance pertaining to the "Signing of City Checks Generally."

In consideration on second and final reading of the following ordinance:

An ordinance to amend and re-enact Section 2-132 of the Code of the City of Hampton, Virginia entitled, "Signing of City Checks Generally."

On the motion of Councilwoman Leary, seconded by Councilman Gilliland, that the above titled ordinance to amend and re-enact Section 2-132 of the Code of Hampton, Virginia entitled, "Signing of City Checks Generally," be deferred until the regular meeting to be held on April 13, 2005, at 7:30 p.m.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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The following is the resolution for Consent Item #4, 05-0171

RESOLUTION

BE IT HEREBY RESOLVED to appropriate \$100,000 from the reserve sewer extension in the Wastewater Management Fund for Fiscal Year 2005 to the Fiscal Year 2005 Wastewater Management Fund (09-485-354-06014) for extension of the sewer system within the City of Hampton.

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The following is the resolution for Consent Item #5, 05-0172

RESOLUTION

BE IT HEREBY RESOLVED to appropriate \$520,000 from the retained earning reserve for equipment in the Solid Waste Management Fund for Fiscal Year 2005 to the Solid Waste Capital Outlay Auto line item (44-W01-801-08240) for the purchase of four knuckleboom trucks and one automated refuse truck in Fiscal Year 2005.

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The following is the resolution for Consent Item #6, 05-0175

RESOLUTION ACCEPTING AND APPROPRIATING 2004 “TWO FOR LIFE” FUND FOR ALLOCATION IN FY05

WHEREAS, Section 46.2-694 of the Code of Virginia establishes a Two for Life Fund; and

WHEREAS, cities, counties and towns providing emergency medical service operations receive allocations from the funds; and

WHEREAS, these funds will be utilized in the emergency medical services area; and

WHEREAS, these funds support training and the purchase of equipment for emergency medical services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia that the 2004 Two for Life Funds in the amount of \$56,068.50 be approved and appropriated.

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The following is the resolution for Consent Item #7, 05-0183

RESOLUTION APPROVING THE CITY OF HAMPTON, VIRGINIA’S PARTICIPATION AND APPROPRIATION OF THE 2005 RESCUE SQUAD ASSISTANCE FUND GRANT SUBMITTED BY THE FIRE DIVISION THROUGH THE OFFICE OF EMERGENCY MEDICAL SERVICES, VIRGINIA DEPARTMENT OF HEALTH.

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services has awarded the Rescue Squad Assistance Fund Grant to the City of Hampton in the amount of \$45,885 in state funds and \$45,885 in cash match, for a total award of \$91,770; and

WHEREAS, the grant award covers the period of January 1, 2005 to December 31, 2005;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton, Virginia accepts and appropriates the Rescue Squad Assistance Fund Grant in the amount of \$45,885 in accordance with the grant agreement and authorize matching funds in the amount of \$45,885 from the Fire Division’s FY05 Budget in accordance with the grant agreement;

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to take the necessary steps to implement this grant award.

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05-0160: Proclamation for Child Abuse and Neglect Prevention Month

Councilwoman Leary read the Proclamation proclaiming April 2005 as Child Abuse and Neglect Prevention Month in the City of Hampton and presented it to representatives of the Hampton Child Protective Team: Eva Granville, 247 Shoe Lane, Newport News, from Fort Monroe Family Advocacy Program; along with Daphne Eaton, P. O. Box 355 Hampton, of Lutheran Family Services; Debra Allen, Larry Billups, 1906 McCulloch Road, Hampton, from the Langley Air Force Base Family Advocacy Program; Debra W. Dunn from the Hampton Department of Social Services; Detective Danielle Hodges from the Hampton Police Department; Kelly Davis from Transitions; Lucille Newby from the Hampton Healthy Start, Mary Stuart from the Eighth District Court Service Unit – Hampton; Ragan Johnson from Alternatives, Inc.; and Ruby Gatling from the Hampton Health Department.

Ms. Granville thanked Council for the proclamation and invited them to the Candlelight Ceremony scheduled on April 6th at 6:00 p.m. at the West Hampton Community Center, explaining that the ceremony is dedicated to those who have been victims of child abuse in the City of Hampton. Mr. Billups, the Vice President of Hampton Child Protection Team (HCPT) invited Council to attend the Celebrity Luncheon on April 22nd at the Omni in Newport News. Mr. Billups stated that the HCPT has given \$70,000 to thirty-five Hampton organizations for prevention of child abuse over several years.

Ms. Eaton informed Council of the Blue Ribbon Campaign project, which children participate in by putting ribbons on informational cards that include education about child abuse prevention, adding that they are available to Council members and various agencies throughout the City.

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05-0128: Proclamation for National Telecommunications Week

Councilman Sapp read the proclamation proclaiming April 10 – 16, 2005 as National, Telecommunications Week in the City of Hampton and presented it to Roger Clements, Communications Sergeant, who introduced the following employees from E-911: Cora Prata, Ruby Simpson, Diane Gardner, Diane Beavers, Jim McNeal and Jane Weaver.

Sgt. Clements thanked Council for the proclamation and stated that employees in E-911 are the unsung heroes behind each and every incident that is responded to by Fire, Emergency Medical Services, and Police personnel. Councilwoman Leary thanked the dispatchers for the special work they do.

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05-0176: Award to the Hampton Police Division

Councilman Gilliland read the plaque and presented the award to Chief of Police Charles R. Jordan, Jr. and noted that on December 4, 2004, the Hampton Police Division received National Accreditation for the fifth consecutive time from the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA), which involves on-site assessment of the Division by a three-person assessment team. Chief Jordan stated that the Division has been recognized with a meritorious award for being accredited by the CALEA for 15 years or more. Chief Jordan stated that there are a total of 382 standards that had to be met and complied with, and that only 10% of the law enforcement agencies in this country are nationally accredited. He credited retired Lt. Ed Barnes for compiling and preparing the proper documentation for the assessment team.

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Agenda Deviation

The 2005 Buckroe Master Plan (05-1078) public hearing was delayed until later in the meeting, due to technical difficulties.

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05-0173: Ordinance – Hampton Coliseum – Second and Final Reading

At a public hearing in consideration on second and final reading of the following titled-ordinance:

An ordinance to amend and re-enact Chapter 26, Article IV of the Code of the City of Hampton, Virginia, pertaining to the Hampton Coliseum.

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Gilliland, that the consideration of the above-titled ordinance to amend and re-enact Chapter 26, Article IV of the Code of the City of Hampton, Virginia pertaining to the Hampton Coliseum be deferred until the regular meeting to be held on April 13, 2005, at 7:30 p.m.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Kearney

Nays: 0

Absent for vote: Tignor

Note: Councilman Tignor left the meeting prior to consideration of the ordinances on the Hampton Coliseum and Hampton Convention Center and returned shortly thereafter.

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05-0174: Ordinance - Public Hearing Convention Center.

At a public hearing in consideration on second and final reading of the following titled-ordinance:

An ordinance to amend and re-enact Chapter 26 of the Code of Hampton, Virginia, by adding a new Article VII, entitled, "Hampton Roads Convention Center."

On motion of Vice Mayor Joseph Spencer, seconded by Councilwoman Leary, that the consideration of the above-titled ordinance to amend and re-enact Chapter 26 of the Code of Hampton, Virginia, by adding a new Article VII, entitled, "Hampton Roads Convention Center" be deferred until the regular meeting to be held on April 13, 2005, at 7:30 p.m.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Kearney

Nays: 0

Absent for vote: Tignor (See note above)

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05-0179: An Ordinance to Amend and Re-enact Noncoded Ordinance No. 701 Pertaining to the Carrying and Possession of Firearms

and

05-0180: An Ordinance to Amend Hampton City Code Chapter 40, Pertaining to the Carrying and Possession of Firearms

In consideration on the first reading of the following titled-ordinances:

05-0179: First Reading of an amendment to Noncoded Ordinance No. 701 pertaining to the Bay Days Festival ("Declaring and Establishing Certain Public Areas and Streets of the City of Hampton as the "Festival Area" for the Bay Days Celebration, and Prescribing Regulations Governing Certain Uses of that Area") to conform to state law prohibiting local government regulation of the carrying and possession of firearms.

and

05-0180: First reading of an amendment to Hampton City Code Chapter 40, "Weapons," Article I, "In General," Section 40-1, "Carrying Concealed Weapons," to conform to state law prohibiting local government regulations of the carrying and possession of firearms.

The City Attorney stated that these ordinance changes deleting the language which pertains to carrying and possessing a weapons are due to the action taken by the General Assembly last year to limit the authority of a city to adopt such regulations. He explained that the City has no authority to adopt or enforce an ordinance in regulating the carrying and possession of firearms and we have no choice but to adopt these ordinances to put us into compliance with State law.

At the request of the Interim City Manager, Chief Jordan informed Council that this particular legislation was adamantly opposed by the Virginia Police Chiefs Association and the Hampton Roads Chiefs Association and they intend to lobby next year to get it repealed because it does cause a great deal of concern.

In response to questions raised by Council, the City Attorney emphasized that we can neither adopt nor enforce any ordinances not allowed by State legislation and if we were to enforce the current ordinance, it could create a liability for violating people's civil rights. Several Council members expressed concern regarding people carrying firearms in a festival area; and Chief Jordan stated that if the firearms are visible, the state code allows that, but a license and permit are required for concealed weapons.

The City Attorney advised Council that by denying these changes he will need to notify the Chief of Police that they must enforce the state law and not the City Ordinance, and Chief Jordan stated they have been doing that since the state law was changed last year. Vice Mayor Joseph Spencer requested that a letter be sent to the Attorney General and the Governor expressing Council's outrage regarding the passage of this state legislation.

On motion of Councilman Tignor, seconded by Vice Mayor Joseph Spencer, that the above-titled ordinance to amend Noncoded Ordinance No. 701 pertaining to the Bay Days Festival ("Declaring and Establishing Certain Public Areas and Streets of the City of Hampton as the "Festival Area" for the Bay Days Celebration, and Prescribing the Regulations Governing Certain Uses of that Area") to conform to state law prohibiting local government regulation of the carrying and possession of firearms be denied.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

On a motion of Councilman Tignor, seconded by Vice Mayor Joseph Spencer, that the above-titled ordinance to amend the Hampton City Code, Chapter 40, "Weapons," Article I, "In General," Section 40-1, "Carrying Concealed Weapons," to conform to state law prohibiting local government regulations of the carrying and possession of firearms be denied.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, Tspencer, Tignor, Kearney

Nays: 0

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05-0178: Public Hearing on the 2005 Buckroe Master Plan

The Interim City Manager advised Council that Urban Design Associates (UDA), consultants hired to assist the City in the development of masters plans for strategic areas in Hampton, has completed the design for the Buckroe Master Plan after receiving public comment; and he stated that the Buckroe Civic Association approved the plan on March 8, 2005, and the Planning Commission approved the plan on March 14, 2005. Based on these approvals, the Interim City Manager recommended approval of the Buckroe Master Plan.

Mr. Terry O'Neill, Director of Planning, and Mr. Keith Canady, Chief Planner, appeared before Council to review the master plan; and Mr. Canady explained that the area includes several bay-front blocks surrounding Buckroe Park, Buckroe Avenue, Pembroke Avenue (including the Buckroe Shopping Center), Mallory Street, and in-fill housing throughout the area. Mr. Canady reviewed the recommendations, which include improving the gateways into the neighborhood, new and improved public open spaces, new housing and commercial developments, additional parking, redevelopment of blighted areas, and a recreation center.

Mr. O'Neill explained that the plan lists recommendations by year, by task, and by funding; and he stated that every effort was made to create a plan that entices private investment and development into the area. In response to Councilman Gilliland, Mr. O'Neill stated that projects that would take place with or without the plan, such as the beach replenishment and school, are included in the plan since they are still significant in terms of the master plan; and he stated that the net public investment is between \$21 million to \$23 million over six years (excluding the school) and private investments are estimated to be approximately \$140 million over the next three to five years.

Mayor Kearney thanked Mr. O'Neill and all the city staff involved in the many months of preparation and public meetings for the plan, and Mr. O'Neill stated that many departments were instrumental in coordinating the project.

Mr. Lee Anderson of 806 North First Street, Hampton spoke in favor of the Master Plan and stated he has been involved with the plan since its inception.

Mr. Steven Irby of 728 North First Street, Hampton, stated that he moved here four and half years ago from Atlanta and believes that this plan is going to be a great improvement; however he asked Council to consider rebuilding the Grandview Pier rather than the Buckroe Pier.

Ms. Amy Hobbs of 1913 Mallory Street, Hampton, spoke on behalf of the Buckroe Civic Association, as well as the District 6 Neighborhood Commission and a resident of Buckroe for the last 13 years, and stressed community consensus and commitment, adding that she was hoping to see a new Fire Station in Buckroe.

Ms. Sandra Canepa of 3 Markham Drive, Hampton, urged Council to oppose the Buckroe Master Plan, noting that Buckroe belongs to all Hampton citizens.

Ms. Trish Ferraro of 602 Tappan Avenue, Hampton, spoke in opposition, stating that she believes the green space at issue is more valuable than the tax revenues gained from building on this land.

Ms. Phyllis Flanders of 13 Ranalet Drive, Hampton spoke in opposition, noting that over 1,300 signatures have been gathered on a petition to keep the green space.

Dr. Jim Haug of 60 Chowning, Hampton, President of Colonial Acres Home Owners Association, complimented the Planning Department on the process, and Ms. Hobbs on the way she ran the meetings, and he suggested that an adult day care facility be considered in the area.

Mayor Kearney commented that as long as he is sitting on Council he would not vote for the green space to become apartments or condos, but he would vote to adopt the plan because it is a step in the right direction.

In response to Councilwoman Leary's request for postponing the vote for a couple of weeks, Mr. O'Neill responded that he was not optimistic that differences would be resolved.

On a motion of Councilman Gilliland, seconded by Councilman Sapp, that the 2005 Buckroe Master Plan be approved.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, Tspencer, Tignor, Kearney

Nays: 0

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05-0181 Ordinance Pertaining to Tattooing and Tattooing Establishments

In consideration on the first reading of the following-titled ordinance:

An ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled, “Tattooing and Tattooing Establishments

The Interim City Manager recommended approval of this ordinance which further delineates requirements, clarifies terminology, and provides consistency with other Tidewater localities.

Ms. Lesa Yeatts, Assistant City Attorney stated that these changes are recommended due to changes made by the State; and Dr. Berg, Director of the Hampton Health Department, supported the changes, which extends the ordinance from tattooing to body art, which includes body piercing.

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Turner Spencer, that the above-titled ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled “Tattooing and Tattooing Establishments,” be approved on first reading.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0182: Ordinance pertaining to “Swimming Pools.”

In consideration on first reading of the following-titled ordinance:

An ordinance to amend and re-enact Chapter 36 of the Code of the City of Hampton, entitled, “Swimming Pools.”

The Interim City Manager stated that the proposed ordinance changes delineate requirements, clarify terminology, and provide consistency with other Tidewater localities.

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Tignor, that the above titled ordinance to amend and re-enact Chapter 36 of the Code of the City of Hampton, entitled, “Swimming Pools,” be approved on the first reading.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0189: Appointments – Finance Committee

Councilman Tignor explained that the Council had received a plethora of qualified candidates to serve on the newly formed Finance Committee and stated that the Council plans to keep these names and addresses for future use.

On motion of Councilman Tignor, seconded by Councilman Gilliland, that the following be appointed to the Finance Committee: Mr. Robert Scott to a 3-year term, Mr. Scott Seymour to a 2-year term, and Mr. Jesse Hughes to a 1-year term, effective April 1, 2005.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

Mayor Kearney appointed Councilman Gilliland to chair the Finance Committee.

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Golf Course Fees

Mr. Frank Blake, 1662 Old Buckroe Road, Hampton, spoke in opposition to adding State sales tax to the proposed \$1.00 increase in senior green fees.

Coliseum and Convention Center

Councilwoman Leary commented on the differences between the Coliseum and new Convention Center in terms of booking schedules, events, fees, and facility features noting that great care must be taken to insure appropriate events are booked at each facility; and she asked that the Interim City Manager contact SMG, the largest private management company of public facilities in the country, to see what they can offer the City in terms of managing the Convention Center. Hearing no objections from Council, the Mayor asked the Interim City Manager to arrange for representatives to come to a Council meeting.

Hampton and the New Economy

Councilman Sapp presented a very detailed presentation concerning long range strategic planning and new direction for the City of Hampton and offered information on the following:

- Budget Process
- Innovation
- The New Economy
- Emerging opportunities
- Concerns

In response to Councilman Sapp's presentation, Mayor Kearney noted that we have a wealth of resources in the community, which we need to draw upon, and he stated that Council will be focusing on a new vision for the City of Hampton.

Councilman Gilliland added that Council and senior administrative staff needs to spend more time working towards the future; and Councilman Tignor agreed that Council needs to think strategically, which will be beneficial to everyone.

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Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m.

Ross A. Kearney, II
Mayor

Katherine K. Glass
Clerk of Council

Dated approved by Council _____